

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RODALE, INC.,

Plaintiff,

v.

U.S. PREVENTIVE MEDICINE, INC.,

Defendant.

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Case No. 4:08-CV-120

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE


Came on for consideration the Report of the United States Magistrate Judge in this action, this court having heretofore referred the Plaintiff's motion for a preliminary injunction (docket entry #17) to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 2, 2009, the Report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Plaintiff's motion for a preliminary injunction should be denied. The court has made a *de novo* review of the objections raised by the Plaintiff and is of the opinion that the Plaintiff's objections lack merit. Further, the court has made a *de novo* review of the objections raised by the Defendant and is of the opinion that Defendant's objections (numbers 2 and 3 only) have merit. Therefore, the court hereby adopts the findings, as modified, and conclusions of the Magistrate Judge as the findings and conclusions of this court. It is, therefore,

ORDERED that the Magistrate Judge's Report, as modified, is **ADOPTED** as the opinion of the court. It is further

ORDERED, ADJUDGED and DECREED that the Plaintiffs' motion for a preliminary

injunction (docket entry #17) is **DENIED**.

SIGNED this the 16th day of January, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE